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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

NIKOLA CORPORATION,

Plaintiff,

v.

TESLA, INC.,

Defendant.

Case No. 3:18-cv-07460-JD

Judge James Donato

**JOINT STIPULATION AND
 [PROPOSED] ORDER TO EXTEND
 ALL DEADLINES**

This Stipulation is entered into by and among Plaintiff Nikola Corporation (“Nikola”) and Defendant Tesla, Inc. (“Tesla”) (collectively, “the Parties”), by and through their respective counsel. The Parties jointly stipulate and declare as follows:

WHEREAS, the Court issued a Scheduling Order dated December 2, 2020 (D.I. 136);

WHEREAS, new counsel for Tesla made an appearance in this case on February 5, 2020 (D. I. 137-140);

WHEREAS, Tesla’s invalidity contentions are presently due on February 12, 2021 pursuant to the Court’s Scheduling Order and Patent L.R. 3-3 and 3-4;

WHEREAS, the Parties agree that a fourteen-day extension of certain deadlines in the Scheduling Order will serve the interests of fairness;

NOW THEREFORE, pursuant to Civil Local Rule 6-2(a), the Parties through their respective counsel, hereby stipulate, agree, and request the Court extend the following deadlines within the Scheduling Order (D.I. 136) by fourteen days:

Event	Original Deadline	New Deadline
Patent L.R. 3-3 and 3-4: Invalidity Contentions and Related Document Disclosure	February 12, 2021	February 26, 2021
Patent L.R. 4-1: Exchange of Proposed Terms for Construction	February 26, 2021	March 12, 2021
Patent L.R. 4-2: Exchange of Preliminary Claim Constructions and Extrinsic Evidence	March 19, 2021	April 2, 2021
Patent L.R. 3-8: Damage Contentions by Nikola	April 2, 2021	April 16, 2021
Patent L.R. 4-3: Joint Claim Construction and Prehearing Statement	April 16, 2021	April 30, 2021
Patent L.R. 3-9: Responsive Damages Contentions by Tesla	May 7, 2021	May 21, 2021
Patent L.R. 4-4: Completion of Claim Construction Discovery	May 21, 2021	June 4, 2021

Event	Original Deadline	New Deadline
Patent L.R. 4-5(a): Opening Claim Construction Brief	June 4, 2021	June 18, 2021
Patent L.R. 4-5(b): Responsive Claim Construction	June 18, 2021	July 2, 2021
Patent L.R. 4-5(c): Reply Claim Construction Brief	June 25, 2021	July 9, 2021
Patent L.R. 4-6: Claim Construction Hearing and Tutorial	<u>Tutorial:</u> September 16, 2021 at 11:00 a.m. <u>Claim Construction:</u> September 30, 2021 at 11:00 a.m.	<u>Tutorial:</u> September 16, 2021 at 11:00 a.m. <u>Claim Construction:</u> September 30, 2021 at 11:00 a.m.
Patent L.R. 3-7: Advice of Counsel	30 days after service of Court's Claim Construction Ruling	30 days after service of Court's Claim Construction Ruling
Close of Fact Discovery	November 19, 2021	December 3, 2021
Expert Disclosure (Initial)	January 7, 2022	January 21, 2022
Expert Disclosure (Rebuttal)	January 28, 2022	February 11, 2022
Reply Expert Reports	February 11, 2022	February 25, 2022
Close of Expert Discovery	March 18, 2022	April 1, 2022
Last Day to File Daubert and Dispositive Motions	April 22, 2022	May 6, 2022
Final Pretrial Conference	August 18, 2022	August 18, 2022
Jury Trial	September 5, 2022	September 5, 2022

IT IS SO STIPULATED.

1 Dated: February 12, 2021

Respectfully submitted,

2 /s/ Adam Pivovar

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1 Dated: February 12, 2021

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ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), I attest that the concurrence in the filing of this document has been obtained from the other signatories.

Dated: February 12, 2021

/s/ Adam Pivovar
Adam Pivovar

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated:

Honorable James Donato
United States District Judge